

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-34609 - APPLICANT: MARIANA'S ENTERPRISES -
OWNER: B. E. UNO, LLC**

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. There shall be an administrative review one year after the issuance of the business license for the off-sale use.
2. If approved, Special Use Permit (U-0151-98) shall be expunged.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Package Liquor Off-Sale Establishment use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All beer and wine coolers shall remain in their original manufacturer's configuration of four or six-packs.
8. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is an existing shopping center located at 2551 East Bonanza Road. The applicant is proposing to expand an existing Grocery Store and add Accessory Package Liquor Off-Sales. If this request is denied, the location will be able to continue Off-Premise Sales of Beer and Wine under a previously approved Special Use Permit (U-0151-98).

Issues

- The existing Grocery Store has a previously approved Special Use Permit (U-0151-98) for the Off-Premise Sale of Beer and Wine. If this request is approved, that Special Use Permit shall be expunged as the current request for Accessory Package Liquor Off-Sales is inclusive of the Off-Premise Sale of Beer and Wine. Staff is recommending approval of this request as the subject site is physically suitable for the use, and the use can be conducted in manner that is compatible with the surrounding land uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/16/76	The Board of City Commissioners approved a request for Reclassification of property (Z-0061-75) and Plot Plan Review from R-E (Residential Estates) to C-1 (Limited Commercial) on a property located southeast of East Bonanza Road and North Eastern Avenue extending south along Eastern Avenue and east along Bonanza Road. The Planning Commission recommended approval.
06/01/77	The Board of City Commissioners approved an Extension of Time [Z-0061-75(2)] of an approved Plot Plan Review (Z-0061-75) to allow for completion of a shopping center on property located at the southeast corner of eastern Avenue and Bonanza Road.
10/12/95	The Planning Commission approved request for a Plot Plan and Building Elevation Review [Z-0061-75(3)] for proposed tortilleria and retail store addition to an existing shopping center on a property located on the southeast corner of Bonanza Road and Eastern Avenue.
02/08/99	The City Council approved a request for a Special Use Permit (U-0151-98) for the Off-Premise Sale of Beer and Wine in conjunction with an existing grocery store for a property located at 2551 East Bonanza Road. The Planning Commission recommended approval.
11/14/05	A deed was recorded for change of ownership.
07/09/09	The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #37/ao).

<i>Related Building Permits/Business Licenses</i>	
02/09/99	A business license (#L10-00190-4-000439) was issued to allow beer/wine/cooler off-sale at 2551 E Bonanza Road. The license is still active.
09/12/03	A business license (#C05-02189-E-000957) was issued to allow a tobacco dealer at 2551 E Bonanza Road license is still active.
01/23/03	A business license (#C08-00104-3-000439) was issued to allow a coin amusement machine at 2551 E Bonanza Road. The license is still active.
03/03/04	A business license (#C15-00104-3-000439) was issued to allow the operation of a convenience store at 2551 E Bonanza Road. The license is still active.
07/26/06	A business license (#L09-00037-4-000345) was issued to allow beer/wine/cooler on-sale at 556 N Eastern Avenue. The license is still active.
10/31/06	A business license (#L09-00051-4-000097) was issued to allow beer/wine/cooler off-sale at 598 N Eastern Avenue. The license is still active.
12/08/2008	A building permit (#128836) was issued to allow for the tenant improvement for certificate of occupancy at 574 North Eastern Avenue. The permit has not yet been finalized.
01/29/09	A business license (#C23-00048-0-000439) was issued to allow a check cashing service (limited) at 2551 E Bonanza Road. The license is still active.
<i>Pre-Application Meeting</i>	
05/20/09	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this application request.	
<i>Field Check</i>	
06/04/09	<p>A field check was carried out by staff with the following observations:</p> <ul style="list-style-type: none"> • The site is currently under construction. • There is adequate space for the proposed location of the facility, and the expansion will not interfere with on-site parking or circulation. • There is a code violation of two non-permitted banners; the first banner is above the Northwest store entrance; the second banner is on the West elevation of existing building. The violations have been referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	8.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Nevada Power Facility	PF (Public Facilities)	C-V (Civic)

South	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Plant Nursery	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	37,380 SF	1:250 SF	149	5	381	14	Y
TOTAL	37,380 SF		154		395		

ANALYSIS

The subject site is an existing shopping center located at 2551 East Bonanza Road. The applicant is proposing to expand an existing Grocery Store from 8,000 square feet to 37,500 square feet, with 2,000 square feet dedicated to the off-sales of package liquor. The area dedicated to the sales of package liquor will be less than 10% of the 20,622 square feet of retail floor area that is accessible to the general public. The hours of operation for the sales of package liquor will be from 6 a.m. to 12 a.m., seven days a week.

Use

A Retail Establishment with Accessory Package Liquor Off-Sale is defined by Title 19.04 as an establishment:

1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location. The parking requirement for the site as a Shopping Center is one space per 250 square feet for the gross floor area for all uses; therefore, the proposed use will have no effect on the parking requirements. The proposed use meets all minimum Special Use Permit and parking requirements of Title 19.04. The use is ancillary to the proposed grocery store and can be conducted in a manner that is compatible with the surrounding land uses; therefore, staff is recommending approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with the SC (Service Commercial) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Grocery Store with Accessory Package Liquor Off-Sale use will be located in an existing shopping center, which is physically suitable for the type and intensity of the land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is via driveways from Lamb Boulevard and Charleston Boulevard, both of which are 100-foot wide Primary Arterials, according to the Master Plan of Streets and Highways. Both are adequate to facilitate the traffic generated by the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this special use permit will not compromise the public health, safety, or welfare as the proposed Grocery Store with Accessory Package Liquor Off-Sale use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Grocery Store with Accessory Package Liquor Off-Sale use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 557 by City Clerk

APPROVALS 0

PROTESTS 0